Supreme Court, U.S.
FILED
APR 22 2010
OFFICE OF THE CLERK

No. 09-968

IN THE

SUPREME COURT OF THE UNITED STATES

SHERRYL SNODGRASS CAFFEY, *pro se*

Petitioner,

vs.

SUPREME COURT OF ALABAMA,

Respondent.

On Petition for a Writ of Certiorari to the
Supreme Court of Alabama and the
Alabama State Bar

SUPPLEMENTAL
PETITION FOR WRIT OF CERTIORARI

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NOTICE OF ADOPTION and INCORPORATION HEREIN OF INITIAL PETITION

Petitioner hereby adopts and realleges the: QUESTIONS PRESENTED, LIST OF PARTIES, TABLE OF AUTHORITIES, CITATIONS OF OPINIONS BELOW, BASIS OF JURISDICTION, CONSTITUTIONAL and STATUTORY PROVISIONS INVOLVED, STATEMENT OF THE CASE, REASONS FOR GRANTING THE WRIT, CONCLUSION, and APPENDIX filed in her initial Petition for Writ of Certiorari, and incorporates the same herein by reference, as if fully stated herein; and further states unto this Honorable Court the supplemental matters which follow hereinafter.

SUPPLEMENTAL QUESTION PRESENTED

4. **Whether the Alabama Supreme Court's acquiescence in a fraudulent document bearing the forged stamped signatures of its Justices, and purporting to be an Order striking Petitioner's name from the Roll of Attorneys duly licensed to practice law in the State of Alabama and disbarring and excluding her from the practice of law in the courts of Alabama effective 12:01 a.m. on August 21, 2009, together with the Alabama Supreme Court's refusal to take corrective action based upon an assertion that the State appellate record is closed and cannot be reopened, constitutes a final appealable order, and thus, sufficient grounds for appellate review.**

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SUPPLEMENTAL BASIS FOR JURISDICTION

Since the filing of Petitioner's initial Petition, she has acquired evidence, and affirmation thereof from the Alabama Supreme Court, that the August 21, 2009 document at **App. B**, which purports to be an Order issued by the Alabama Supreme Court disbarring her from the practice of law in the State of Alabama, was not entered by the Alabama Supreme Court; and that it is, in fact, a fraudulent document. Nonetheless, the Alabama Supreme Court, through its Staff Attorneys, has taken the position that it cannot issue a corrective Order because her case is closed; and that she has received all of the Orders from them that she is going to get. Accordingly, the issue is whether the Alabama Supreme Court's acquiescence in the use of a fraudulent document to disbar her and its refusal to take corrective action, thereon constitutes a final appealable order sufficient for review by this Honorable Court.

SUPPLEMENTAL STATEMENT OF THE CASE

On January 27, 2010, Petitioner and two Alabama Attorneys went to the Clerk's Office of the Alabama Supreme Court for the purpose of retrieving a certified copy of her appellate file underlying the instant appeal before this Honorable Court; whereupon, they were given certified copies of all documents filed in her case and the Docket Sheets. Additionally, the certifying clerk, Anne Marie Gatson, placed her initials "AMG" on both pages of the Docket Sheet. The aforesaid certified

documents and the Docket Sheets show that no Disbarment Order has been entered by the Alabama Supreme Court; and that no Disbarment Order exists in the appellate records, nor on the Docket Sheets. **App. A**. Said certified records and Docket Sheet also show that no Order of Disbarment by the Disciplinary Board of the Alabama State Bar exists in the appellate records, nor on the Docket Sheets, although the purported August 21, 2009 Disbarment Order states that said document was filed in the Alabama Supreme Court on August 4, 2009, and that it forms the basis for the purported Disbarment Order. **App. B**

On April 16, 2009, Petitioner phoned the Alabama Supreme Court, and spoke to a Staff Attorney, who confirmed that the Alabama Supreme Court had not entered an Order disbarring her; and that neither the August 21, 2009, nor the August 4, 2009 documents had been filed in the Supreme Court. However, in response to her request for the Alabama Supreme Court to take corrective action by issuing its Order declaring that it had not disbarred her, the Staff Attorney told her that no procedure existed to issue such Order because her appellate file was closed. Several months ago, Appellant spoke with another Staff Attorney, who told her that she had received all the Orders she was going to get from the Alabama Supreme Court in the underlying case even though her Motion to Accept Brief Out of Time was at that time, and continues to be pending.

As further evidence of the fraudulent disbarment order, Petitioner has also included two

comparative Alabama Supreme Court documents, to wit: a Notice and an Order which were also filed in her case underlying this Petition. **App. C** and **App. D**, respectively. Further, while the purported Disbarment Order was mailed to Appellant's Law Office Post Office address; all Orders from the Supreme Court have been emailed to Appellant through the Alabama Appellant Court Electronic Notice system for years.

Finally, it is noted that the legitimacy of two other documents which contain adverse rulings against Appellant, although posted on the Docket Sheet, is hereby questioned, for the obvious reasons which can be readily ascertained from comparing these documents with the comparators. Accordingly, the purported 08/25/09 and 09/22/09 Alabama Supreme Court Orders are also included in the Appendix as **App. E** and **App. F**, respectively.

NOTE: **Because the authenticity of the APPENDIX documents is at issue, thereby creating a need for comparative documents, and for this Court to make comparisons, copies of all Appendix documents have been reduced by the printer and included herein versus Petitioner retying them in order to preserve the integrity thereof, and to accurately depict the different fonts, boldness and the Alabama Supreme Court signature block with typed dates and its SEAL.**

VERIFICATION of SUPPLEMENTAL STATEMENT OF THE CASE and APPENDIX DOCUMENTS A-F

I, Sherryl Snodgrass Caffey, under penalty of perjury, hereby affirm that the aforesaid Supplemental STATEMENT OF THE CASE is true and correct; and that the APPENDIX documents are true and unaltered copies of the documents received by me, which have been reduced in size by the printer to fit this booklet.

s/Sherryl Snodgrass Caffey

_____

Sherryl Snodgrass Caffey

SUPPLEMENTAL REASONS FOR GRANTING THE WRIT

Since August 21, 2009, Petitioner has illegally been disbarred by a forged document. **App. B** In fact, notices of her disbarment have been published in the *Huntsville Times Newspaper*; in the Alabama State Bar publications, and otherwise, to include the Alabama State and Federal Courts, which resulted in her being terminated from representation of all of her clients; and even temporary termination of her LEXIS NEXIS legal research service. Said notices specifically state that she has been disbarred by the Alabama Supreme Court.

Accordingly, Petitioner has been deprived of her property rights in her professional license to practice law, and of her Constitutional rights to due process, equal protection and a fair and impartial hearing, in flagrant violation of her Constitution rights as set forth in the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution; and she has been deprived of any income since the aforesaid date because of a fraudulent document, which the Alabama Supreme Court failed to correct, and closed the file thereon. Moreover, her character has been defamed to such extent that she has no hopes of any employment commensurate with her education, knowledge and skills, nor any employment in the Huntsville, Alabama metropolitan statistical area wherein she resides. Accordingly, Petitioner has suffered, and is continuing to suffer catastrophic financial losses, humiliation, mental anguish, and emotional distress.

The Alabama Supreme Court's position that it cannot issue a corrective Order stating that she has not been disbarred, while knowing that such statement is true, is manifestly unjust, and severely prejudicial to her, in that she can be charged with the felony offense of practicing law without a license if she reopens her law practice without such Order. Further, none of the courts will permit her to appear therein as an attorney without such Order; and several courts have entered Orders terminating her as counsel for parties in reliance upon the fraudulent disbarment order, and published notices thereon.

Appellant hereby asserts that the Alabama Supreme Court's acquiescence in a fraudulent document containing the forged signatures of its Justices, under any circumstances, is patently unfair and manifestly unjust to anyone who is the recipient of any injustice as the result of such acquiescence and lack of corrective action. She further asserts that the Alabama Supreme Court's position violates *Alabama Rules of Disciplinary Procedure*, as cited on pp. 5-6 of her initial Petition, which clearly show that the Alabama Supreme Court has a legal obligation to review, to rule upon, and to effectuate any disbarment order.

Accordingly, Appellant's Petition for Writ of Certiorari should be granted because the Alabama Supreme Court's inaction, purportedly due to her state appellate file being closed, effectively constitutes its final action, and thus, its final unwritten appealable Order. Otherwise, State courts will be able to abdicate their review role and their duty to correct injustices at will by simply closing the file, or by adhering to, and forcing others to adhere to unwritten final Orders. Further, state courts will be able to delete their Appellants' Constitutional rights and their Appellants' procedural due process right to an appeal to this Honorable Court, by simply pushing the "delete button of apathy." Further, the Alabama Supreme Court's acquiescence in such injustice violates any notion of fair play and decency.

Moreover, the aforesaid acquiescence of the Alabama Supreme Court in a fraudulent document bearing the forged signatures of its Justices and its inaction thereon, begs the questions: **"WHO'S MINDING THE ALABAMA SUPREME COURT?"** Why is it not concerned about someone else's use of the forged stamped signatures of its Justices? How many rulings have been made in this manner? Is there someone on death role, or someone who has been executed, or imprisoned for life, or for a day; or is there someone who has lost a civil case in the State of Alabama, because of Orders from the Alabama Supreme Court, which bear the forged stamped signatures of its Justices?

Accordingly, this Honorable Court's Writ of Certiorari must issue to correct the injustices and illegalities perpetrated against Petitioner, and possibly against other state Appellants, or other state foreclosed Petitioners to this Court; and to protect the stamped signatures of the Alabama Supreme Court Justices, since they refuse to protect their own.

Petitioner's Petition for Writ of Certiorari should be granted because the Alabama Supreme Court's acquiescence in the fraudulent document disbarring her, and its inaction thereupon, aids and abets a criminal act against her, and deprives her of the Constitutional Rights for which this Honorable Court is the final **SAFEGUARD**, and **where else can she go to seek legal redress for such injustices?**

CONCLUSION

Based upon the reasons stated herein, and in the initial Petition and the record as a whole, this Honorable Court should grant its Writ of Certiorari.

However, should this Honorable Court conclude that there exists no final appealable Order from the Alabama Supreme Court within the reach of its long arms of justice, and that this Court must therefore deny Appellant's Petition, this Court should include in its Order denying a Writ of Certiorari a specific finding that the Alabama Supreme Court has not entered an Order of Disbarment, and accordingly, Petitioner has not been disbarred, or its words to that effect.

Further, in consideration of the deprivation of civil rights and criminal actions alleged in Petitioner's Petitions, this Honorable Court should further forward this case to the Department of Justice for investigation of said allegations. Such Order is especially appropriate, in that the Alabama State Bar and its Hearing Panel considered and used, testimony that she had threatened to file a complaint with the NAACP and the Department of Justice as part of its decision against her. As argued in her initial Brief, such consideration violates her First Amendment rights to freedom of speech and freedom of association; and her right to seek legal redress from a governmental agency.

s/Sherryl Snodgrass Caffey

Sherryl Snodgrass Caffey

INDEX TO APPENDICES

APPENDIX A: **Certified Copy of Alabama Supreme Court Docket Sheets in underlying state case**

APPENDIX B: **Copy of purported August 21, 2009 Alabama Supreme Court Order disbarring & excluding Petitioner from the practice of law in the State of Alabama**

APPENDIX C: **Comparator Document**

APPENDIX D: **Comparator Document**

APPENDIX E: **Purported August 25, 2009 Alabama Supreme Court Order denying Petitioner's Motion for Reinstatement of Appeal.**

APPENDIX F: **Purported September 22, 2009 Alabama Supreme Court Order striking Petitioner's Brief in Support of Motion to Accept Appellant's brief out of time, as being untimely filed although Petitioner's Motion to Accept her brief out of time remains pending in the Alabama Supreme Court as of this date.** ***See certified Docket Sheets at App. A.***

APPENDIX A

IN THE SUPREME COURT OF ALABAMA

January 27, 2010

I, Robert G. Esdale, Sr., Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing are true and correct copies of the record and filings in 1080561, Sherryl Snodgrass Caffey v. Alabama State Bar.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.
Witness my hand this 27th day of January 2010

Robert G. Esdale, Sr.
Clerk, Supreme Court of Alabama

1080561 **Alabama Supreme Court Docket Sheet** 1080561

APP : Direct Appeal

Sherryl Snodgrass Caffey v. Alabama State Bar.

(Appeal from ASB-03-73(A)).

Classification

Bar

Notice of Appeal : 12/29/2008

Docketed 02/10/2009
Last Updated / /

Case Actions / Postings

12/29/2008	Signed Motion to Accept Corrected Notice of Appeal as timely filed and Signed Corrected Notice of Appeal. (EFiled) (1c 1/2/09)
12/29/2008	Motion to Accept Corrected Notice of Appeal(EFiled).
12/29/2008	Corrected Notice of Appeal (EFiled).
02/09/2009	Docket Fee Payment of $ 100 by Check
02/10/2009	Notice of Docketing
02/18/2009	Appellant's motion to accept corrected notice of appeal as timely filed is granted rrb/adw/RGE
02/24/2009	Failure of aplt to cause the timely filing of the certificate of completion of the record on appeal w/in 7 days will result in dismissal
03/03/2009	Motion for enlargement filed on 03/03/2009. (EFiled). 030909 9cc
03/05/2009	Notice to appellant that unless she takes all necessary steps required for filing the record on appeal with this Court within 14 days from the date of this notice, the above-referenced appeal will be dismissed. ADW/sg
03/30/2009	NOTICE OF COMPLIANCE WITH 3-5-09 ORDER (EFiled). 040109 9cc
04/30/2009	Original Record on Appeal Filed 5 volumes.
05/07/2009	Letter from Alabama Bar re attempts to get record to aplt.m/rge/file
06/04/2009	Motion for enlargement filed on 06/04/2009 Granted on 06/08/2009. (EFiled)
06/08/2009	Extension of Time for Appellant To File Brief granted by Supreme Court; Due on 06/18/2009. m/aw NFE
07/08/2009	Motion to dismiss filed on 07/08/2009.
08/04/2009	Appeal dismissed pursuant to Rule 2(a)(2)(C), ARAP, for an obvious failure to prosecute.
08/10/2009	Motion to reinstate filed on 08/10/2009 (EFiled).
08/13/2009	Response and objection to motion for reinstatement (13cc)
08/17/2009	$ 5 Library Fee transferred lk
08/19/2009	Motion to accept out of time filing of aplt brief filed on 08/19/2009.
08/19/2009	Motion to exceed page limitation filed on 08/19/2009

1080561

Case Actions / Postings

08/19/2009	Appellant's Brief Filed 10 copies LATE
08/19/2009	Oral Argument Requested
08/20/2009	Motion to strike filed on 08/20/2009 (13cc)
08/25/2009	The appellant's "Motion for Reinstatement of Appeal" is denied Cobb, C.J., and Lyons, Woodall, Stuart, Smith, Bolin, Parker, Murdock, and Shaw, JJ., concur RGE/adw
08/28/2009	Motion for reconsideration and Response to motions filed on 08/28/2009. (EFiled) 083109 10cc
09/03/2009	Request for reconsideration treated as an application for rehearing and stricken.(see Rule 40(a)(3), ARAP.
09/10/2009	Bnef in support of motion to accept out of time filing of appellant's bnef (10cc)
09/22/2009	Bnef in support of motion to accept appellant's bnef is stricken as untimely filed. Cobb, C.J., and Lyons, Woodall, Stuart, Smith, Bolin, Parker, Murdock, and Shaw, JJ., concur. nl

Attorneys & Officials

Circuit Clerk	Alabama State Bar Disciplinary Clerk	Montgomery, AL (334) 269-1515
Atty. for Aplt.	Sherryl Snodgrass Caffey	Normal, AL (256) 772-1712
Atty. for Aple.	Robert E. Lusk, Jr	Montgomery, AL (334) 269-1515

END OF DOCKETING INFORMATION

APPENDIX B

IN THE SUPREME COURT OF ALABAMA
August 21, 2009

In the Matter of	Disciplinary Board of
Sherryl Snodgrass Caffey	The Alabama State Bar
Attorney at Law	ASB No. 03-73(A)

ORDER

WHEREAS, the order of disbarment of the Disciplinary Board of the Alabama State Bar, in the matter of the disbarment of Sherryl Snodgrass Caffey, was duly filed with this Court on August 4, 2009,

NOW, THEREFORE, IT IS ORDERED that the name of Sherryl Snodgrass Caffey be stricken from the Roll of Attorneys duly licensed to practice law in the State of Alabama, and that Sherryl Snodgrass Caffey is hereby disbarred and excluded from the practice of law in the courts of Alabama effective 12:01 a.m., August 21, 2009.

Cobb, C.J., and Lyons, Woodall, Stuart, Smith, Bolin, Parker, Murdock, and Shaw, JJ., concur.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.
Witness my hand this 21st day of August, 2009.

Robert G. Esdale, Sr.
Clerk, Supreme Court of Alabama

APPENDIX C

IN THE SUPREME COURT OF ALABAMA

June 8, 2009

1080561

Sherryl Snodgrass Caffey v. Alabama State Bar (Appeal from ASB-03-73(A)).

NOTICE

Appellant(s) granted to and including June 18, 2009, to file brief. No further extensions will be granted.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears(s) of record in said Court.
Witness my hand this 8th day of June 2009

Clerk, Supreme Court of Alabama

cc:
Sherryl Snodgrass Caffey, Esq
Robert E. Lusk, Jr, Esq.

APPENDIX D

IN THE SUPREME COURT OF ALABAMA

August 4, 2009

1080561

Sherryl Snodgrass Caffey v. Alabama State Bar (Appeal from ASB-03-73(A)).

ORDER

It appears to the Court that there has been an obvious failure to prosecute the appeal in this cause.

IT IS, THEREFORE, ORDERED that the appeal is dismissed pursuant to Rule 2(a)(2)(C), Alabama Rules of Appellate Procedure.

IT IS FURTHER ORDERED that costs be taxed against the appellant(s) as provided by Rule 35, Alabama Rules of Appellate Procedure.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.
Witness my hand this 4th **day of** August 2009

Robert G. Esdale, Sr.
Clerk, Supreme Court of Alabama

cc:
Alabama State Bar Disciplinary Clerk
Sherryl Snodgrass Caffey, Esq
Robert E. Lusk, Jr, Esq.

APPENDIX E

IN THE SUPREME COURT OF ALABAMA
August 25, 2009

1080561

Sherryl Snodgrass Caffey v. Alabama State Bar (Appeal from ASB-03-73(A)).

ORDER

The appellant's "Motion for Reinstatement of Appeal" having been submitted and considered,

IT IS ORDERED that the motion for reinstatement of this appeal is denied.

Cobb, C.J., and Lyons, Woodall, Stuart, Smith, Bolin, Parker, Murdock, and Shaw, JJ., concur.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.
Witness my hand this 25th day of August, 2009

Clerk, Supreme Court of Alabama

APPENDIX F

IN THE SUPREME COURT OF ALABAMA
September 22, 2009

1080561

Sherryl Snodgrass Caffey v. Alabama State Bar (Appeal from ASB-03-73(A)).

ORDER

The appellant having filed a "Request for Reconsideration and Response to Motions," and the same having been submitted and duly considered by the Court,

IT IS ORDERED that the brief in support of the motion to accept appellant's brief is stricken as untimely filed.

Cobb, C.J., and Lyons, Woodall, Stuart, Smith, Bolin, Parker, Murdock, and Shaw, JJ., concur.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.
Witness my hand this 22d day of September 2009

Robert G. Esdale, Sr.
Clerk, Supreme Court of Alabama